

Case 2:08-md-01968 Document 186 Filed 08/11/09 Page 1 of 2 PageID #: 1494

Session: 2009Aug11
Session Date: 2009/08/11
Judge: Stanley, Mary E.
Reporter: Cook, Lisa

Division: Chas
Session Time: 09:45

Courtroom: 5400 MagCt

Clerk(s):
Lair, Tabitha

US Attorney(s):

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case number: 2:08-md-1968
Plaintiff:
Plaintiff Attorney:
Defendant: Digitek, In Re
Co-Defendant(s):
Pers/Panel Attorney:
US Attorney:
Public Defender:

2009/08/11
09:51:08 - Operator
Recording:
09:51:08 - New case
Digitek, In Re
09:51:22 - General:
HEARING TYPE: STATUS CONFERENCE
09:51:50 - General:
for pl: Megan Carter, Harry Bell, _Carl Frankovitch
09:51:54 - General:
for def: Matt Moriarity, Rebecca Betts, _Harvey Kaplan
09:55:53 - Judge: Stanley, Mary E.
called case, noted appearances of counsel
09:59:31 - Judge: Stanley, Mary E.
court scheduled oral arguments re requests for admissions
10:00:14 - Judge: Stanley, Mary E.
not timely under PTO 16
10:00:39 - General:
Mr. Frankovitch responds
10:01:21 - Judge: Stanley, Mary E.
so your saying it violates the spirit not the letter
10:01:34 - Judge: Stanley, Mary E.
see PTO 22 page 13 section R
10:02:00 - General:
Mr. Frankovitch responds
10:03:18 - Judge: Stanley, Mary E.
theme that Rule 11 doesn't apply in mass litigation???

10:03:31 - General:
Mr. Frankovitch responds
10:06:05 - Judge: Stanley, Mary E.
3 requests for admissions to fewer than 40 cases
10:06:26 - Judge: Stanley, Mary E.

Case 2:08-md-01968 Document 186 Filed 08/11/09 Page 2 of 2 PageID #: 1495

how many attys?
10:06:31 - General:
 Mr. Moriarity responds
10:06:53 - Judge: Stanley, Mary E.
 court trying to understand how pl can argue requests not proper discovery
10:07:31 - Judge: Stanley, Mary E.
 from Rule 26 seems they are evidence of defense
10:08:20 - General:
 Mr. Frankovitch responds
10:11:00 - Judge: Stanley, Mary E.
 serious about claim of atty client privilege of work product
10:11:22 - General:
 Mr. Frankovitch responds
10:11:43 - Judge: Stanley, Mary E.
 speaks about courts involvement in mass tort litigation
10:16:28 - Judge: Stanley, Mary E.
 speaks about resources when cases are filed, etc
10:17:01 - Judge: Stanley, Mary E.
 speaks about mdl and mass tort system
10:17:54 - General:
 Mr. Frankovitch responds
10:18:34 - Judge: Stanley, Mary E.
 why should attys spend a bunch a money to go that far?
10:19:00 - General:
 Mr. Frankovitch responds
10:19:46 - General:
 Mr. Moriarity speaks about issue
10:23:45 - General:
 Mr. Frankovitch responds
10:24:58 - Judge: Stanley, Mary E.
 pfs have been front and center since the beginning of this litigation
10:25:21 - Judge: Stanley, Mary E.
 Rule 11 says burden is on pl as to claim for case
10:26:00 - Judge: Stanley, Mary E.
 court goes over each argument presented today
10:29:46 - Judge: Stanley, Mary E.
 speaks about satellite litigation
10:31:25 - General:
 Mr. Frankovitch responds
10:32:07 - General:
 Harvey Kaplan responds
10:32:52 - General:
 Mr. Frankovitch responds
10:33:18 - Judge: Stanley, Mary E.
 quotes Rule 36(a)(6)
10:34:23 - Judge: Stanley, Mary E.
 requests should be answered without objection
10:35:17 - Judge: Stanley, Mary E.
 concerns about atty accountability
10:36:15 - Judge: Stanley, Mary E.
 court will hear from individual attorneys if lead counsel feels uncomfortable
10:37:42 - Judge: Stanley, Mary E.
 had this been an individual case - Rule 37 - court assessed costs and fees
10:38:44 - Judge: Stanley, Mary E.
 anything else?
10:39:29 - Operator
 Stop recording: